



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION**

RUSTY MERRITTE DUNBAR,	§	
Plaintiff,	§	
	§	
vs.	§	
	§	CIVIL ACTION 9:19-2232-MGL-MHC
BRENDA JACOBS,	§	
Defendant.	§	

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**ORDER ADOPTING THE REPORT AND RECOMMENDATION,  
GRANTING JACOBS’S MOTION FOR SUMMARY JUDGMENT,  
DENYING PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT,  
AND DISMISSING THIS ACTION WITH PREJUDICE**

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Plaintiff Rusty Merritte Dunbar, proceeding pro se, filed this 42 U.S.C. § 1983 lawsuit against Defendant Brenda Jacobs (Jacobs). The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting Jacob’s motion for summary judgment be granted, Dunbar’s motion for summary judgment be denied, and this action be dismissed with prejudice. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on December 21, 2020, but Dunbar failed to file any objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court Jacob’s motion for summary judgment is **GRANTED**, Dunbar’s motion for summary judgment is **DENIED**, and this action is **DISMISSED WITH PREJUDICE**.

**IT IS SO ORDERED.**

Signed this 25h day of January, 2021, in Columbia, South Carolina.

s/ Mary Geiger Lewis  
MARY GEIGER LEWIS  
UNITED STATES DISTRICT JUDGE

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#### **NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.